



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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TESTIMONY

DATE: March 14, 2016

TO: Committee on Government Administration and Elections
Connecticut General Assembly

FROM: Karl J. Wagener
Executive Director

RE: Senate Joint Resolution No. 36, Resolution Proposing an Amendment to the Constitution of the State to Protect Certain Property Held or Controlled by the State for Conservation, Recreation, Open Space or Agricultural Purposes

The Council on Environmental Quality (CEQ) greatly appreciates your consideration of this resolution. I want to focus on the need for a constitutional amendment to protect lands that the public believes (inaccurately) to be preserved in perpetuity.

The CEQ investigated land exchanges and produced a special report in 2104 called *Preserved But Maybe Not*. One of the key recommendations of the report is adoption of a constitutional amendment – an extraordinary recommendation, but one that is called for by the facts.

The Council was surprised and dismayed by the number of requests for state conservation lands in recent years. You, as legislators, are familiar with requests to the General Assembly for parcels of state parks, forests and wildlife management areas. You might not be aware of how often people ask DEEP for pieces of public land.

An example from 2012 illustrates the problem dramatically. A company asked DEEP for 140 acres of state forest land, and offered DEEP 11 acres in exchange. DEEP evaluated both lands and, after four months of review and discussion, denied the request. As a point of fact, the current DEEP administration has been quite protective of the public's interest. However, there are problems with this current "process." Among other problems, DEEP does not have the staff to evaluate the ecological and economic value of lands proposed for exchange by random parties. DEEP does not have enough staff to fulfill its existing responsibilities for managing land and wildlife; sending scientific staff to evaluate lands in which DEEP has no real interest is a ridiculous waste of resources.

The permanent protection of land should not depend on the individuals in DEEP at any one time; such protection should be based on law.

During the past four years, DEEP and the General Assembly have been asked to consider proposals totaling hundreds of acres. Fortunately, most transfers were not completed, but the door remains wide open. And that door should not be wide open, or even perceived to be wide open. Lands held in trust for the public should not be exchanged or given away except in extraordinary circumstances.

The proposals that we examined have a common thread. Someone – a developer, a municipality, another state agency or a neighboring landowner – saw some undeveloped land and asked the state if they could have it for what they, the proponents, saw as worthy purposes. A proposal was made, either to the General Assembly or to DEEP, and a decision was made. Generally, the proponent provided information that put the land in an unfavorable light: poor soils, limited public access, invasive species, or some other deficiency. Too often, the factual information about the land came late in the process, sometimes too late or not at all.

The proposed amendment would give the public assurances that their beloved state lands will be preserved forever, except in extraordinary circumstances. The Council sees no alternative, if Connecticut is serious about protecting conservation lands permanently. Other states arrived at the same conclusion and amended their constitutions accordingly.